



Town Council Meeting Minutes

Thursday June 23, 2016, at 7:00 PM, in the Matthew Thornton Room

Chairman Harrington called the meeting of the Town Council to order at 7:00 p.m. Present at the meeting were Councilor Boyd, Councilor Flood, Councilor Koenig, Councilor Rothhaus, Councilor Vaillancourt, and Assistant Town Manager/Finance Director Paul Micali. Councilor Dwyer arrived at 7:10 p.m. Town Manager Eileen Cabanel was excused.

Pledge of Allegiance

Chairman Harrington led in the Pledge of Allegiance.

Announcements

The New Hampshire Department of Environmental Services (NHDES) and the Department of Health and Human Services invite the public to a public information meeting on Wednesday, June 29th at 7:00 p.m. in the All-Purpose Room of the James Mastricola Upper Elementary School (JMUES) to hear an update on the ongoing investigation of the presence of PFOA and PFOS in Southern New Hampshire drinking water. The meeting is open to all residents from any of the affected towns.

Town offices will be closed on Monday, July 4th in observance of Independence Day. The Town Council will meet only once in the months of July and August. Regular meetings will be conducted on Thursday, July 21st and August 18th at 7:00 p.m. in the Matthew Thornton Room.

Property tax bills are due by July 1st.

The free weekly Summer Concert Series at Abbie Griffin Park will be running every Wednesday this Summer June 29th - August 17th. Each week features a different style of music. Concerts are held from 6:00 - 8:00 p.m. For more details visit the Parks & Recreation Department website at www.merrimackparksandrec.org.

Perfluorooctanoic Acid (PFOA) Information Update

Chairman Harrington noted representatives from the Merrimack Village District (MVD) would be providing an update later in the meeting.

Comments from the Press and Public

Nelson Disco, 10 Underwood Lane

Stated a Public Hearing has been scheduled for 6:00 p.m. on June 30th in the Matthew Thornton Room. The subject of the Public Hearing is a Federal Grant for building the Souhegan River Trail, which will lead from Watson Park ultimately to Wildcat Falls along the Souhegan River, through the sluiceway under Route 3.

Recognitions, Resignations and Retirements

1. Recognition of Town Committee Members

Submitted by Town Council Chairman Nancy Harrington and Vice Chair Finlay Rothhaus
The Town Council will present certificates to the following individuals for their service to the Town of Merrimack:

- Debra Bult – Heritage Commission
- Lynne Wenz – Heritage Commission
- Dan Ricker – Parks and Recreation Committee

Chairman Harrington thanked the individuals for their service to the community. As they were not present, certificates recognizing their contributions will be presented in another manner. Vice Chairman Rothhaus stated his appreciation for the service provided by those individuals. He informed the viewing audience of the need for additional volunteers to fill the open positions. Information on open positions on the various Boards, Committees, and Commissions is posted on the Town's [website](#).

Appointments

1. 2016 Revaluation Update

Submitted by Town Council Chairman Nancy Harrington

Contract Assessor Loren Martin to provide the Town Council with an explanation and update on the 2016 Revaluation.

Loren Martin, Contract Assessor, stated the preliminary value notices were sent out, and have generated a good deal of question and concern. She provided the Council with an outline of the items she would address, which were based on the common questions and concerns she has heard. She noted the information would also be posted on the Town's [website](#):

- I just received my notice of value and my taxes have gone up. If they had just provided the average increase in value we could have estimated the potential tax impact.

The statement is not entirely accurate. Because values are up does not mean that taxes are going to be up. Once the entire valuation process is complete the values will be turned over to the Town. The State will utilize that information in addition to the budgeted amount approved by the voters to set the tax rate. Generally speaking if values are up, the tax rate comes down. There has been some misunderstanding, and while the letter that was sent out instructs residents not to multiply the new assessment by the old rate, inevitably people do that, and feel their taxes are going up.

This time around, the update was done in 2 phases separating the residential from commercial / industrial properties. That allowed them to focus on the two distinct markets. The difficulty that results from the update being done in two phases is that the total increase in value for the Town is not known until the commercial component is completed. An update on the total value of the Town may be available in the beginning of August.

- I would be worrying about the assessment and not so much what a home sold for.

The entire purpose of the revaluation is to bring all properties to market value. That is based on what has sold in Town. Since October there have been 327 qualified sales. Going back to April of last year there were over 650 qualified sales. The online data has a comparable sales search available that allows taxpayers to run a search to determine if their preliminary value is reasonable. If a home sells for \$425,000 in your neighborhood and your home is of better quality, bigger, and has more features,

1 quite simply the assessment will likely be higher. If your home is of lesser quality, smaller or has less
2 features it will likely be assessed for less. While a little more detailed analysis goes into the process
3 this is the simplified way to determine if your assessment seems reasonable.

4 Qualified sales would be all arms' length sales transactions, e.g., it had exposure to the market, no
5 distress, buyer and seller are unknown parties, etc. Foreclosures, bank resales, short sales, estate sales
6 are all types of transactions that would not be arms' length sales transactions.

7
8 Councilor Boyd remarked five years ago when the Town did the revaluation there were concerns
9 expressed by individuals residing on Naticook Lake or Baboosic Lake. From what was communicated
10 at the time, there was one particular sale that caused a little bit of a kerfuffle. He questioned if there
11 have been any uptick of sales for lakefront property that the Council should be aware of. Ms. Martin
12 stated lakefront property is up slightly as well as other properties in Town. There were more sales
13 transactions this time around, which helps establish the baselines. They have not heard a tremendous
14 amount of feedback from waterfront properties in general. She remarked there was definitely a
15 disproportionality that existed the last time, which resulted in the waterfront properties going up at a
16 rate much higher than the rest of Town. She does not recall that being the issue this time.

- 17
18 ● Where is the transparency?

19
20 The Town Council was provided information on the update process this past November. That update
21 was on the Council's agenda, included in meeting minutes, on the website, etc. It is not something the
22 Town chooses to do or not do. State law (RSA 75:8-a) and the New Hampshire Constitution requires
23 that every community in the State bring their values to market value at least once every five years.

24
25 A revaluation was done in 2011. We are obligated, by State law, to do it in 2016. Had the Town
26 chosen not to do so, the State would have ordered the Town to the Board of Tax & Land Appeals. The
27 Town would have had no control at that point; they would have made the Town go out to bid, and they
28 would have selected someone to do the job for you.

- 29
30 ● The drinking water is bad, properties aren't selling and the Town Manager, Council, and DRA
31 have decided to poke the taxpayers and raise values. This is wrong they should have waited and
32 put the update off. Given the scandal why don't we just do the right thing and lower all values?

33
34 The law does not allow that. Even if you could lower everybody's value, the tax rate would go up the
35 same proportion, and you would have solved nothing. It is not something within the Town's control.

36
37 Chairman Harrington questioned if Ms. Martin had an opinion with regard to the value in response to
38 the water issue. Ms. Martin responded that was announced in the beginning of February. Sales have
39 not slowed down, and there hasn't been any drop in prices seen. She has not seen any evidence that it
40 has impacted the current market. She added she will not say it will not impact it, but much like a lot of
41 things, it takes time to play out.

42
43 She commented the average marketing time elsewhere in New Hampshire is 90-120 days. In
44 Merrimack it is under 30, and in most cases it is under 14 days on the market. She commented they
45 found a similar dynamic last year when working in Litchfield. Sales will continue to be monitored and
46 if there is a quantifiable issue because of the water, they will react to that and present the Council with
47 that information.

- The Town didn't get what they wanted on vote day so they just raise values so they can collect more money.

The Town, by law, cannot collect any more money than is approved by the voters. The only leeway is the overlay which is money held aside for unforeseen things like abatements, appeals, etc. This is limited to a very small percentage of the overall tax burden and whatever is not spent must be turned back to the general fund. Cities and towns in New Hampshire do not set their own tax rate. That is overseen by the State of New Hampshire Department of Revenue.

Chairman Harrington commented she believes there to be confusion around the fact that the school budget was defeated, not the Town budget.

- I have not made any improvements to my property but my value increased.

While the letter indicates improvements on the bottom, this refers to improvements to the land meaning any buildings, features or amenities. This does not mean you have made any improvements to your property, simply the real estate market has changed since the last time we updated values in 2011.

- I see I have a feature value now that I never had before. Apparently I live in a fancy neighborhood.

A feature value is not new to Merrimack, but it is new to some of these neighborhoods. In many of the cluster type subdivisions with small acreage lots, when they look at sales after they have developed all of the base values for the Town, what they found if say a 1/4 acre lot in these cluster type subdivisions is similar to another neighborhood, but has more conventional sized lots (1 or 2 acres). That acre or two acre in a similar neighborhood, as an improved lot, may be worth \$200,000. In this neighborhood that has the 1/4 acre lot, the land value essentially is the same because while they don't own the entire 2 acres in fee simple, they own a 1/4 acre lot, but they have the balance of the open-space land that makes it really the same 2 acre lot.

Some say why not just raise the value of a 1/4 acre lot. People that don't live in a cluster type subdivision and maybe say out to the lake, have a 1/4 acre lot, and those 1/4 acre lots that don't have the benefit of that open space land, don't have the same value as the 1/4 acre lot that does. Really the only way to attribute the difference is to call that an amenity. That is seen in condominiums, mobile home parks. Previously the Town was able to account for some of that value within the size of the lot and the locational adjustment for the neighborhood. With values on the rise they were not able to do that without hurting the model on the other small acre lot.

Some clusters that have more standard size lots, the locational adjustment is already properly accounting for it. They extract that rate from the sales data. Chairman Harrington questioned if the homeowner who has the 1/4 acre and is part owner of the open space, would see that value when selling the property. Ms. Martin responded that is what is being seen.

- Please remind older generations that if they meet the income guidelines they are candidates for tax abatement.

That is not entirely true. You wouldn't necessarily be a candidate for abatement, but there is the elderly exemption in Town and everyone that is 65 years or older on April 1st should always check

1 with the Assessor's Office to see if they meet the information and asset guidelines. The deadline for
2 2016 has passed. The deadline for filing for exemption is every year by April 15th. She urged
3 residents considering applying for next year to wait until the first of the year as you need your income
4 and asset verification from the year prior. There is a list of exemptions; elderly, blind, Veterans, etc.

5
6 Ms. Martin commented the women in the office are very good at answering questions, and work
7 diligently with taxpayers to ensure if they do qualify they receive everything they are entitled to. She
8 remarked they have gotten beaten up pretty badly over the evaluation of the Town, which is something
9 she feels badly about because they are kind of the middle men and can't really answer those questions
10 for the taxpayers yet because they don't know, they don't have the updated data, etc.

- 11
12 • I just looked on Zillow and the Assessors must have gotten their values from them.

13
14 We do not get data from Zillow; these types of websites get their information from public data i.e. us.
15 They then use a multiple regression analysis to compare sale properties against the data listed on your
16 home to arrive at your zestimate.

17
18 In a market where there are a lot of distressed sales, that information will be misleading because they
19 look at all of the sales. All of those sales get put into their model and will lead to a lower estimate of
20 value for your property. As we have fewer and fewer of those sales transactions, that number should
21 get pretty close to what properties are selling for because it is a similar analysis tool to what the
22 Assessors use for the Computer Assisted Mass Appraisal (CAMA) model.

- 23
24 • I went to the site and I am being charged for my shed. Does everyone get assessed for sheds?

25
26 Simply put yes, any improvements made to your property; shed, deck, pools, garages, carports, etc.
27 have to be considered, under State law. If you have a 4x4 shed, it will be noted and valued, but it is
28 not something that is a big ticket item.

29
30 If you allow others to put features on your property i.e. mobile home, garage, shed etc. you will be
31 assessed for it as the landowner as permitted by State law. If you lease solar panels on your roof, they
32 are affixed to the real estate and are assessed as well. They have transmissible value that influences the
33 market value of a home and as such are considered.

34
35 Ms. Martin reminded residents the Assistant Assessor goes out and reviews a portion of the properties
36 in Town annually. If a homeowner takes down a shed and does not inform Town Hall, it cannot be
37 taken off the property record card. If you get a permit for something it will trigger a visit
38 automatically. Ms. Martin stated if a resident comes in for a hearing about their value, and part of the
39 issue is the data on the record, they send someone right out with them.

40
41 Ms. Martin stated she wished to give a shout out to Michael Pelletier. Although she has no idea who
42 the taxpayer is, he has worked diligently, on the MerrimackForum Facebook page, responding to and
43 correcting many misstatements out there. For that she extended her personal gratitude. She
44 commented it has taken a lot of time and effort to address a lot of that misinformation. He has done a
45 wonderful job.

46
47 Phone calls began on Monday and will continue through Tuesday of next week. Any resident wishing
48 to speak with the Assessor should contact her. Approximately 170 taxpayers have called in to avail

1 themselves of the process. Every taxpayer who calls will get an appointment. Hearings are currently
2 scheduled June 27th, 28th, and July 1st. The phone number to call is 603-798-3502.

3 In the past few weeks, there have been properties that have been sold. While they have been keeping
4 up with the ownership and mailing address database, the old owner may have received the notice, and
5 the new owner might not be aware of that yet. The information is available online. They can call the
6 number with any questions/concerns. Before final notices go out to anyone affected, they will ensure
7 they pull all of the new owner information again.

8
9 Councilor Vaillancourt noted Facebook page comments are not the best way to contact the Assessor's
10 Office if you have questions or concerns about your assessment. While she understands it is a group
11 discussion and some do glean some valuable information from it that is not the appropriate way to go
12 about addressing concerns.

13
14 Councilor Vaillancourt questioned if there is a deadline for phone calls requesting hearings. Ms.
15 Martin stated phone calls would go through Tuesday, June 28th. Concerns can also be put in writing
16 and forwarded to the Assessor. All of those concerns will be reviewed prior to finalizing. Although
17 she will not promise to personally address a letter back to each individual, all information received will
18 be considered prior to finalizing the values, and they will all be notified if they were affected by that
19 process at all with a final notice of value.

20
21 Councilor Boyd questioned if it is possible to include within the letter an area identifying the old value.
22 Ms. Martin was unsure. She commented she is not the software programmer, but the data is there, and
23 should be able to be included. She will reach out to the software team and see if that is an
24 improvement that can be made to the system.

25
26 It was noted Avitar's online system provides data going back to 2010. When asked how a homeowner
27 should proceed if his/her residence was assessed similar to another in the area, but the homeowner is
28 aware the inside of their home has not been maintained to the same level, Ms. Martin stated that
29 homeowner should set up an appointment so that an inspection could be conducted.

30
31 Councilor Dwyer commented on his surprise that more individuals have not availed themselves of
32 available information to learn more about how the tax rate is broken down, etc. particularly when, for
33 most Americans, the largest investment of our lives is our homes.

34
35 Ms. Martin commented when values are going down there are very few people that call for a hearing.
36 If someone were to send her a notice of new value on her home in Concord and told her she just lost
37 money in her biggest investment she would be going in for an important. Unfortunately because
38 taxpayers assume that the lower value means lower taxes they don't call to come. Yet when property
39 values are on the rise they think conversely that their taxes are going up, and that is when they come in,
40 and that is not typically the case when property values are on the rise. It is a general misunderstanding
41 of the process and the tax structure.

42 43 **2. MVD Update**

44 Submitted by Town Council Chairman Nancy Harrington

45 The Merrimack Village District to update the Town Council on PFOA status.

46
47 The Town Council requested representatives from the MVD attend the meeting. The Council is in
48 frequent communication with the MVD and NHDES. PFOA updates has been an item appearing on

1 the Council's agendas for some time. Any information the Council is made aware of is relayed to the
2 public in the hope of assisting in the dissemination of information.

3 Lon Woods, Chairman, Merrimack Village District Board of Commissioners, stated appreciation for
4 the invitation and opportunity to speak with the Council.

5
6 Mr. Woods wished to make a statement ensuring the MVD ratepayers that the water that is provided by
7 the system is in compliance with the current standards from the NHDES, Ambient Groundwater
8 Quality Standards, and the Environmental Protection Agency's (EPA) most recent health advisory,
9 which limits the amount of PHOA and PFOS in the water system to 70 parts per trillion (ppt). Mr.
10 Woods stated they have been and are well below that standard in terms of the water that is currently
11 being pumped throughout the system.

12
13 He spoke of the MVD having sent out a PFC, which is the abbreviation for PFOA and PFOS progress
14 report and next steps. He noted the MVD was encouraged to send out that information by the Town
15 Council.

16
17 In addition to that, at its June 20th meeting, Commissioners strengthened an existing agreement with
18 Pennichuck Water Works to purchase an appropriately sized pump that would ensure the ability to
19 maintain proper hydraulic pressure in the system in the event of an emergency. This assures the
20 district an additional million gallons/day in the case of that kind of an emergency; specifically, fire
21 protection. One of the elements of this constantly moving and changing puzzle and problem that was
22 somehow not addressed in the initial review is the fact that the MVD is also tasked with providing for
23 protection for the Town. The action to purchase the pump and have Pennichuck install it at an existing
24 connection assured the Town the MVD is in the position to continue to provide that protection.

25
26 At that same meeting, the Commission accepted a three-party agreement from Underwood Engineering
27 and sent it to Saint-Gobain. They are now in receipt of that agreement, which requests they pay for the
28 design, construction, and maintenance of a treatment plant sized to handle the output for wells 4 and 5.
29 These measures in addition to those mentioned in the progress report (as of May 26th) all indicate the
30 continuing effort of the MVD to solve the problem of the presence of PFOA and PFOS in our system.

31
32 Mr. Woods stated the desire for all to understand the MVD did not add the PFOA and PFOS to the
33 system. They are attempting to reduce it as far as they can, and will continue to do that.

34 Ron Miner, Superintendent, Merrimack Village District, stated the MVD is currently meeting all
35 system demands with a combination of wells 2, 3, 7, and 8.

36
37 Jeff Marts, Senior Project Manager, Emery & Garrett Groundwater, stated a desire to speak of the
38 resiliency of the MVD aquifers and the groundwater monitoring program the MVD instituted a number
39 of years ago to ensure the aquifers are managed in a sustainable fashion.

40
41 They have been collecting water level data, in some cases for 20 years, from a series of monitoring
42 wells distributed throughout each of the aquifers. There is a long record documenting water level
43 changes through time, e.g., different dry periods and wet periods. Recently they identified critical
44 water levels in some of those monitoring wells that trigger an incremental response to increasing
45 drying conditions. As of the last data reviewed, the current state of the aquifers is good, and we have a
46 good strong supply of water in the two aquifers that are currently being used.

1 Vice Chairman Rothhaus thanked the gentlemen for their attendance. He commented he does not
2 know a lot about their business, but has been told if we tax our water system it pulls such a volume out
3 of the ground it starts creating a funnel of sorts where it pulls it in and brings it down, and it could
4 collapse the system. He questioned, with two wells being offline, is there concern, and what might we
5 do to prevent that, e.g., go to Pennichuck short-term.

6
7 Mr. Marts responded when you pump a well you draw the water levels down in the aquifer, and in a
8 sand and gravel aquifer, that forms a cone of depression. It is literally a cone shape in the sand and
9 gravel where the aquifer has diminished. In the aquifers in the east coast, that doesn't damage the
10 aquifer. There are places in the west where it causes the aquifer to depress, but that doesn't happen in
11 our relatively shallow sand and gravel aquifers on the east coast.

12
13 He pointed out the 7 and 8 aquifer, which now has the iron and manganese treatment facility, which
14 allows the district to greater utilize that aquifer, has a permitted capacity of double the aquifer that
15 serves wells 4 and 5, which are currently offline. We have a lot more capacity that is now capable of
16 being used by wells 7 and 8.

17
18 Councilor Flood questioned if the aquifer ever flushes out. Mr. Marts responded from their
19 groundwater monitoring program they know that some of the aquifers do flush out; in some cases
20 rather quickly, some take a longer period of time. Flush out basically means the residence time or the
21 amount of time an individual raindrop enters the ground and stays in that aquifer. That rain drop will
22 stay there from a year to, in some cases, decades in the deeper parts of the aquifer. There is turnover in
23 the individual water units in each aquifer.

24
25 Councilor Flood questioned if the PFOAs eventually disappear or will remain until filtered out. Mr.
26 Marts stated the PFOAs are very persistent compounds. By themselves they will tend to stick around
27 for a very long period of time. His sense is that over time as you withdraw water from the aquifer you
28 will diminish their concentration. They behave conservatively, similar to Chlorides, which can flush
29 out of the aquifer. The one question is how long will they remain in the soil. There is a certain lag
30 time from the time they enter the soil to the time they actually make it to the aquifer. Indications are
31 that they will be a persistent source in the soil for a number of years.

32
33 Councilor Flood stated a curiosity and concern about what they call emerging chemicals. She
34 questioned if every little chemical present in the water can be identified through sampling. Mr. Marts
35 stated there is the need to test for specific compounds in your water. The EPA sets forth a list of
36 contaminants that are tested for on a regular basis and a periodic basis, and you have to gauge your lab
37 analysis to particular contaminants. Councilor Flood commented we could, in the future, have to deal
38 with something that exists right now, and we don't know it.

39
40 Mr. Woods remarked they discovered trace amounts of PFOAs and PFOS in 2014 because the EPA
41 said in this list of approximately 26 emerging contaminants we want you to look for these 6. There are
42 20 others. One of the concerns and one of the elements of this ever-changing problem that the MVD is
43 already considering is which of the rest of that list of 26 compounds are present in our water. The tests
44 are not inexpensive. They look for what is required to be compliant with NHDES and the EPA.

45
46 Around 2006 the industry that manufactured PFOA and PFOS as a product, a chemical to be used in
47 any number of processes, agreed they would phase out that chemical. It is an 8 molecule (C8) strand
48 of carbon. But because we like our fire retardant fabrics, our wrinkle-free clothes, and our tents to

1 shed water, they wanted to find something else they could use. They have gone to a carbon strand of 6
2 (C6). What the effects of that may be are unknown.

3
4 Mr. Woods stated the MVD has begun to look at are the treatment plants that are presently being
5 considered, such as treatment plants using activated granule carbon, enough or should we be already,
6 and they have asked their engineer, looking for other compounds which will filter the unknown. He
7 commented they have not spent a lot of money doing that, but that is where they are going with their
8 thinking.

9
10 Vice Chairman Rothhaus commented he believes filtration to be a necessity on most of our wells, and
11 imagines there is a monstrous cost associated with that. He stated Saint-Gobain in particular has come
12 across like they are willing to work with the community in dealing with it, and he would like the
13 conversation between Saint-Gobain and the engineers to include other methods. He agreed it is
14 unknown what might have a future impact and if the C6 component may prove to be an emerging
15 contaminant then we are already stuck with it because we have had these 10± years of buildup with the
16 C8 PFOA. He would rather be more focused on what can be done long-term. He would like the
17 participation of Saint-Gobain in particular but the State as well as he believes they were remiss in their
18 duties in the whole approach. He requested an update be provided of the ongoing discussions with
19 Saint-Gobain.

20
21 Chairman Harrington questioned if what was being suggested was beyond wells 4 and 5. Vice
22 Chairman Rothhaus stated the numbers are reasonable, but we still have PFOA in our water. He
23 commented he can appreciate the 70 ppt number because he did want it based on science, and is
24 uncertain it was. He stated the desire to be sure the Town is protected. He reiterated he suspects it is a
25 substantial cost to do that, but believes we have to try to hold to account and bring people to the table
26 who can assist in getting this accomplished. He stated the desire for a filtration system that might not
27 be a granulated carbon filter, might be something more elaborate to accommodate the other items that
28 come to the floor.

29
30 Mr. Woods responded he was not offering pie in the sky, but assured him those preliminary
31 discussions, not with Saint-Gobain, but among the Commissioners and their consultants, have already
32 begun to take place.

33
34 Councilor Vaillancourt stated appreciation for the MVD's willingness to talk to the governing bodies
35 and share information. She remarked the MVD, as a body, has been put under tremendous pressure
36 between this issue and the recent concern with regard to the proposed NED pipeline. She commented
37 people turn on their faucet, the water comes out, and they don't think about it. It is just part of their
38 daily lives, and not something they worry about. But now people are threatened, fearful of what they
39 don't know. She spoke of the efforts of the Council in educating residents on what the Merrimack
40 Village District is as an entity. She commented she knows they are working diligently on this issue,
41 and it is not something that will be resolved overnight. She also understands there will be discussions
42 with Saint-Gobain that may be sensitive and unable to be made public while negotiations are ongoing.
43 She respectfully requested the MVD do whatever it can to communicate as much as possible, as
44 frequently as possible.

45
46 Councilor Koenig echoed the comments made by Councilor Vaillancourt. He stated the desire for
47 more of the detailed information to be reviewed. He noted the chart that was provided, and spoke of a
48 statement made that all of the water meets the qualifications, but as Councilor Vaillancourt suggested,

1 and he believes, a lot of people are very fearful of what they don't know or don't understand. Any
2 amount of PFOA that is registering in the water sounds like a bad thing when you are told it is a
3 carcinogenic material, and that it could cause you thyroid cancer or something else. He remarked there
4 have been people come to meetings stating they have it, and must have had it because of the water, and
5 things of that nature.

6
7 Councilor Koenig noted, reviewing the chart provided, the numbers are all over the place. Wells 4 and
8 5 started out back in March and April somewhere in the 50-90+ range and we are headed upwards.
9 Now in the last month they have gone down. There is no reason to believe that is a reasonable number,
10 and he does not know what the average or the variable should be. Clearly those ones should be
11 remediated to some level, and it has been suggested that they are studying how to do that.

12
13 Mr. Woods commented it needs to be kept in mind that they only began testing for this in 2014. The
14 frequency seen in the chart has only been since the March timeframe. They are uncertain in terms of
15 the reaction of this in the ground after it leaves the soil and gets into the groundwater, what the factors
16 may be that influence the ambient amount. It is not yet known if it is seasonal, has to do with the
17 amount of moisture coming out of the sky, etc. They are charting it. The numbers are bouncing
18 around a bit; they are going lower at this point.

19
20 Mr. Marts stated they have spent a lot of time monitoring changes in chloride throughout the MVD
21 aquifers. They know that can change on the order of days to hours in response to environmental
22 conditions. One thing they know is that the PFOAs and PFOSs are not distributed evenly throughout
23 the aquifer. There are places where they are at higher concentrations. He noted the wells were taken
24 offline, and some of the real consistent numbers that were coming out of well 5 were when the well
25 was still operating. We see the rise after the well was taken offline. That might just reflect changes in
26 the flow paths to the well. The rise might be portions of the aquifer that have higher concentrations of
27 PFOA flowing past the now inactive well, and now the lowering concentrations that are seen, the
28 overall decreasing trend, may be due to climatic conditions, e.g., recharge that happened in the spring
29 and is now working its way down and diluting the levels in the aquifer.

30
31 Mr. Marts stated they are in the early stages of trying to measure, sample, and categorize how the
32 contaminants are going to behave long-term. The last sampling was in 2014, and now the weekly
33 sampling has begun where samples are submitted to labs, and the data is placed on the NHDES website
34 as soon as it becomes available.

35
36 Councilor Koenig remarked the other wells, which are being used, range in the 30 ppt, which is well
37 below the number the EPA put out, but still well above numbers like the ones used by Vermont for a
38 period of time and likely continuing to be used for the long-term, and above the numbers a lot of
39 people would like to feel comfortable with that our water is in fact clean and we are not sickening
40 ourselves.

41
42 Councilor Koenig urged all not to lose site of the fact that people are still nervous. He has heard
43 antidotally that people aren't complaining to the MVD so maybe the MVD's water is not a problem to
44 people. But they are certainly complaining to the Council and others. He urged the MVD to continue
45 to look very strongly at this realizing the urgency and the importance. He stated appreciation of their
46 approving of the pump to be able to ensure backup water supplies should that be needed.

1 He remarked he is, and believes a lot of other people are, frustrated when we go around Town and see
2 signs that say odd/even watering bans and things like that. He understands that has been explained
3 before, but when things like the mall and other developments come into Town, and the MVD provides
4 letters saying we have plenty of water, go ahead and build that project, and yet we see these signs go
5 up constantly saying we don't have plenty of water, odd/even watering ban, we can shut off your
6 watering supply if you are watering on the wrong day. He stated the desire for a better/warmer feeling
7 from the MVD that we really in fact have water supplies in hand and people shouldn't have to worry
8 about their water supply.

9
10 Mr. Woods stated the odd/even water is not only for conservation of the water supply, although it is a
11 way to manage that. They rely on pumps to distribute their water throughout the system, and when
12 you get to the kind of weather currently being experienced and the projection looks like it is going to
13 go on a while, they also have to be concerned about the infrastructure of the system in terms of pumps.
14 If you blow up one of those we are right back in the same condition regarding worrying about fire
15 protection, etc. It is a two-fold process, and it has taken a number of years. Mr. Woods stated he has
16 listened to fellow Commissioners want to sell all of the water we can pump, which would mean doing
17 away with the odd/even ban, but over time, and it has been probably 15 years, the common thread has
18 been it is a good tool for not only managing the water, but also for taking good care of the system.

19
20 Information has been provided to the MVD from landscapers, irrigationists, etc. that say you don't
21 really need to water your nice green lawn every day. They have had people tell them there is a lot of
22 uneducated watering going on where at 11:00 a.m. on a June morning you are watering your grass,
23 burning the top of the grass, and the water, after that has happened, has evaporated and hasn't done a
24 thing for the root structure.

25
26 There are two reasons for the odd/even ban, and it isn't only to manage the resource, it is also to
27 manage the system. Mr. Woods stated his appreciation for the specter that we don't have enough
28 water than an odd/even ban might give rise to, but we've never turned down an industry even the size
29 of the Outlet Mall, and the two hotels, one of which is getting closer to fruition, because of water
30 supply. They have always had adequate water supply.

31
32 Councilor Dwyer spoke of the 20 other components that are not being tested for. He questioned if the
33 Commission envisions the entire system being filtrated one day or is it just not viable financially. Mr.
34 Woods responded, very preliminarily, they have begun talking about filtration for other wells as well
35 as 4 and 5. He commented he has asked himself that same question; when is it no longer economically
36 viable for a community of this size to rely on groundwater without filtration. He spoke of how diligent
37 the Commission, staff, and the consultants have been in relation to PFOA, PFOS, but not only just that.
38 The MVD has taken itself to those very questions so very very early.

39
40 Councilor Boyd asked for additional information with regard to how the aquifers are in good shape, yet
41 there is increasing drying conditions that are impacting the water supply. Mr. Marts stated the aquifers
42 serve to store a tremendous amount of water in the ground. There is often quite a lag time between
43 weather events; often takes a prolonged meteorological drought or agricultural drought before you
44 really start to see an impact in the groundwater levels. It is because of the storage within those
45 aquifers. They essentially serve as a buffering effect against weather changes. If the meteorological
46 drought were to persist for an extended period of time, we would start to see lower water levels, but the
47 groundwater monitoring program that the MVD instituted a number of years ago provides an early
48 warning. When they reach certain critical levels or trigger levels, it will cause the MVD to implement

1 increasing levels of drought response appropriate to conserve resources to prevent the aquifers from
2 becoming unusable from over-drafting.

3
4 Councilor Boyd questioned how we're in compliance when wells 4 and 5 are offline and the numbers
5 are still above 70 ppt. Mr. Woods questioned if what was being suggested was the water they are
6 distributing now is above 70 ppt because it is not. Councilor Boyd responded the report that was
7 communicated to the Council by Assistant Town Manager/Finance Director Micali stated well 4 is at
8 130 ppt and well 5 is barely over 70 ppt per NHDES. He understands those are offline and we're using
9 wells 2, 3, 7, and 8. He is trying to understand what does in compliance mean when two wells are
10 offline. He added when he thinks of compliance he thinks the entire MVD infrastructure is
11 operating/functioning at capacity, no problems, and therefore is in compliance with whatever
12 regulations NHDES requires.

13
14 Mr. Woods responded from the time they developed well 8 or at least from 2014 ten years back, they
15 have very seldom had well 8 turned on. That is not being out of compliance that is just not using that
16 resource. He views that as the same thing as having had, because of the numbers, NHDES suggest that
17 they lock out/tag out, not disconnect from the system, wells 4 and 5 until such time as treatment is
18 provided for those wells. In terms of compliance and his statement, he stated he would stand by it; he
19 believes Saint-Gobain Plastics was the one who alerted the NHDES that at their plant they had tested
20 their tap water at 30 ppt. At the time, the EPA health advisory was 400 ppt; a long way from being out
21 of compliance in the MVD's view.

22
23 Mr. Woods added as the chart indicates, using wells 2, 3, 7, and 8, we are down below 30 ppt.
24 Councilor Boyd stated with the new EPA advisory being 70 ppt that puts wells 4 and 5 non-compliant
25 with that advisory. Mr. Woods stated that is understood, but those wells are not being used. He added,
26 in his earlier comments he indicated that Saint-Gobain is in receipt of a three-party agreement that they
27 pay for a treatment plant for wells 4 and 5, sized to handle their output so that we can be in compliance
28 with the water from that source. Chairman Harrington remarked the water that is being distributed is
29 in compliance. Mr. Woods's response was "absolutely". Councilor Boyd stated that to be what he was
30 asking. Chairman Harrington responded what Mr. Woods was saying was yes.

31
32 Councilor Boyd echoed remarks made regarding increased communication. He remarked he cannot let
33 it go unsaid; there was a story he read in Emergency Management Magazine in the spring of 2016 that
34 talked about the drinking water in the St. Clair River that separates the City of Sarnia Ontario and St.
35 Clair County Michigan. There was outflow that was being discharged into the St. Clair River from
36 Ontario that the community of Sarnia knew what was being discharged, but the St. Clair County did
37 not know what was being discharged. There was no cross-jurisdictional cooperation. When the
38 Emergency Management Director went to work the next day, they had 80 voice mail messages wanting
39 to know what chemicals were being dumped into the St. Clair River, and it was because Twitter,
40 Facebook, etc. lit up like a lightbulb and St. Clair was unable to communicate and respond to what was
41 going on. They knew what was going on in Sarnia, but they had no idea that people were talking about
42 it on social media. It created this firestorm of fear that chemicals were being dumped into their
43 drinking water.

44
45 He remarked the point he was getting at is that he has personally felt, from the onset in the end of
46 February until this time, that the communication has been inept, and he believes it needs to be better.
47 Like Councilor Vaillancourt alluded to, you can learn a little bit from Facebook, but you can't learn
48 everything from Facebook and some of what you learn is not correct.

1
2 Councilor Boyd stated the MVD has its website, and should be using it as the forum to be talking about
3 what the MVD is doing on a daily basis. People should know what wells are being operated on a daily
4 basis so that when they look at the sampling result sheets they know exactly where their drinking water
5 is coming from. He suggested placing a map on the website depicting the general proximity of wells.
6

7 Councilor Boyd spoke of Flint, MI and the amount of press that situation received. It heightened a lot
8 of fears in this community whether justified or not. He remarked the point is that people need to know
9 there is a plan in place and that the problem is going to be solved. People want to hear that you are
10 solving the problem. The community is hearing that from the Council, but should be hearing from the
11 MVD.
12

13 Councilor Dwyer stated the MVD is its own legal entity, and is not required to answer to the Council.
14 Members of the Council have received a lot of phone calls, and they are able to relay the information
15 available, and refer callers to the MVD's website. He remarked his intent was not to pass the buck or
16 blame anyone for what is occurring. Chemicals have been in our lives forever. The last time he
17 checked the average age of an American is 78. He for one is not living in fear of what is in his water.
18 He stated his opinion the MVD has been doing a decent job in getting the word out on limited
19 information. The fact is there is limited information. That is why it is called emerging compounds.
20 He commented he is supposed to have faith in Washington because they come down and pick a
21 number called 70.
22

23 Councilor Koenig remarked Mr. Woods pointed out that wells 4 and 5 are offline, and that the MVD is
24 in compliance without those wells, and then there was mention of the lock out/tag out. He questioned
25 if those wells are locked out, or can the residents be convinced that they are not going to be used online
26 period. Mr. Miner responded they will not be used until there is treatment online to keep the number
27 correct, and also with the approval of NHDES. Councilor Boyd stated he still drinks the water and has
28 been since this all started. Like Councilor Dwyer, he really doesn't have any fear. Until told
29 otherwise, he will continue to drink MVD water.
30

31 Chairman Harrington questioned the meaning of ambient/background. Mr. Marts responded he
32 believes they are still learning what that means, but his best understanding from the NHDES is that
33 ambient or background is below 10 ppt. Chairman Harrington questioned if that implies that would be
34 an amount that would not be surprising to find in normal water samples anywhere. Mr. Marts
35 responded in the area that would probably be true, but he does not know that a large number of
36 samples have been taken in another part of the State to see what the levels might be in say an
37 undeveloped part of the north country. It has been widespread; has been found in the Arctic in a
38 number of rivers. The ambient is still kind of a moving question. He commented low levels of PFCs
39 have been found in purified lab water.
40

41 Chairman Harrington commented she wanted that clarified as she believes there has been concern
42 about statements regarding ambient levels. She stated her understanding would be that would be a
43 level that could be found in almost any populated sort of groundwater and perhaps even surface water,
44 and that when talking about the latest being 10 ppt for the combined 7 and 8, that is ambient. She
45 remarked that doesn't delegitimize the concern people are feeling about PFOAs, but she hopes it
46 provides a perspective.
47

1 When asked if it is reasonable to expect it could get down to 0, Mr. Marts suggested there may be
2 some non-detects, which are probably pretty close to 0. When asked if it would be realistic to expect
3 that the MVD would be able to acquire a 0 ppt of PFOS combined, Mr. Marts responded he does not
4 think so. He added they have to treat to the health standards set forth by the State and the EPA. There
5 are a number of naturally occurring contaminants such as Arsenic, which is prevalent throughout the
6 State, and there is a standard for that. They don't treat significantly below the standard, they treat to
7 the standard.

8
9 Chairman Harrington stated people have said that they want the MVD to filter the entire system,
10 whatever that may be, so that it gets down to 10 ppt or to 0. Councilor Dwyer questioned if it is
11 realistic to get to 10 ppt. Mr. Marts stated he would have to defer to the engineers.

12
13 Chairman Harrington remarked part of what the Council continued to hear was that the MVD was
14 waiting for the Federal EPA to set the standard, which they set at 70 ppt, so that is the bar by which
15 you are working. It sounds like as long as you are below that 70 ppt the response is we are in
16 compliance. She stated she understands that, but was suggesting there is a certain population that
17 doesn't like that answer. She reiterated the Council was not saying what the MVD has to do, but
18 Council members are the public health officials of the Town, and they have an obligation to
19 communicate the concerns of their constituency to the MVD. To her that is the bottom line.

20
21 Mr. Woods stated his belief the actions that the MVD has taken since either February 29th or March 1st
22 demonstrate that they are not happy with the situation in terms of PFOA and PFOS being present in
23 our water supply. At no time has a single Commissioner, the Commission, or their consultants
24 suggested that they should be comfortable with the situation. He stated he does not misspeak in terms
25 of the water that we are distributing in our system is in compliance with the EPA's unenforceable
26 health advisory of 70 ppt nor is it out of compliance with the NHDES enforceable ambient
27 groundwater standard of 70 ppt. That does not mean they have folded up the tent and gone away, and
28 are not looking for solutions.

29
30 Chairman Harrington responded that is what the public needs to hear. Councilor Boyd stated
31 agreement.

32
33 Councilor Boyd asked for additional information on the benefits of placing filters at 4 and 5 versus at
34 the main blending well so that all of the wells are protected by a filtration system. Mr. Woods restated
35 they have had very preliminary discussions about what that might look. As the wells are configured
36 presently, 7 and 8 are in close proximity with one another, 4 and 5 are in close proximity, 2 and 3 are
37 not so close, but it would not be unreasonable at least to him that they would begin to look at a way of
38 perhaps interconnecting 2 and 3 for filtration. That would give you 6 wells with 3 filter plants. He
39 stressed those discussions are very preliminary.

40
41 Chairman Harrington stated her understanding every well has to be specifically analyzed and treated
42 for the complexity of the well; the treatment for one well might be different from another. She
43 questioned if that is accurate and part of the problem with having filtration at the blending site. Mr.
44 Marts responded you have to take into account the chemistry of each well, and what the final blended
45 water chemistry is to tailor the treatment to those specifics.

46
47 **Public Hearing** - None
48

Legislative Updates from State Representatives

Jack Balcom, State Representative, remarked, at the State level, they are concerned with the PFOAs and PFOSs. It does affect a lot of communities. Working with the MVD as a Commissioner he has a rare opportunity to say yes, as a community we are concerned. Unfortunately, at the MVD level they feel like they are only in control of what comes out of a faucet for someone who is on their system. Representative Balcom commented he is not certain anyone can think of any legislation that could help this situation. He would welcome any suggestions. He stated come September, he could put in new legislation. His contact information is online, and he would be happy to sponsor legislation.

The House had its last session on June 16th. Representative Balcom stated he had received a letter from the Police Chief relative to legislation to expand Operation Granite Hammer statewide, and voted as requested.

Town Manager's Report

The NHDES has informed the Town the private well testing is actually being done by NHDES employees. Any monitoring wells such as the landfill or over at Watson Park will be performed by the EPA. They are breaking out the jurisdictions between monitoring wells and private wells. If residents see a Federal Government truck testing a well, it is because it is a monitoring well. If it is a private well such as MVD wells, that work will be done by the NHDES.

Merrimack TV has posted the 2016 Merrimack High School Graduation ceremony to YouTube. This three-camera production features a close up of each graduate receiving their diploma. Watch online at YouTube.com/MerrimackTV. If you'd like a DVD copy, please contact the Media Division at 423-8561.

Merrimack TV will begin live streaming all three channels beginning in July. They are looking for beta testers this week to watch the channels, which will include live meetings as seen on Channel 20. If you'd like a password to view the channels online please contact the media division at 423-8561 or email them at MerrimackTV.com. Chairman Harrington stated this to be a response to requests of residents not having cable television, and wishing to view Town meetings as they occur.

Merrimack 2016 July 4th festivities will include the following:

Sunday, July 3rd (6:30 - 8:30 p.m.)

Merrimack Concert Association's Holiday Concert @ Abbie Griffin Park.

Monday, July 4th

Sparkler 5K Road Race/Walk; 8:00 a.m. at the Merrimack YMCA, 6 Henry Clay Drive.

Manchester St. will be closed from 7:30-10:00 a.m. There will be a lane closure on D.W. Highway that morning between BAE and Henry Clay Drive.

Rotary Club of Merrimack's Annual Pancake Breakfast; 8:00 - 11:00 a.m. in the Merrimack High School cafeteria, 38 McElwain Street.

1
2 Merrimack Rotary Family Fun Day; 12:00 - 9:00 p.m. at the Masticola School fields and will feature
3 food, games, musical performances and more.

4
5 Annual 4th of July Parade; kicks off at 1:00 p.m. from Tractor Supply (the Commons), 515 D.W.
6 Highway.

7
8 4th of July Fireworks Display; Begins at approximately 9:00 p.m. at the Merrimack High School.

9
10 In the event of inclement weather, activities will be postponed. The website will contain rain dates.

11
12 ***There being no objection, the Council took a five-minute recess at 8:56 p.m.***

13 ***The Council reconvened at 9:01 p.m.***

14
15 ***There being no objection, the Council went out of the regular order of business to take up Item #1***
16 ***under New Business.***

17
18 **1. Committee Appointments**

19 Submitted by Town Council Chairman Nancy Harrington and Vice Chair Finlay Rothhaus

20 The Town Council to consider appointing the following individuals to Town committees, pursuant
21 to Charter Article 4-8:

- 22 - Eber Currier – Agricultural Commission (Full member)
- 23 - Tim Tenhave – Conservation Commission (Alternate member)
- 24 - Gage Perry – Conservation Commission (Full member)
- 25 - David Shaw – EDCAC (Full member)
- 26 - Laura Jaynes – Parks & Recreation Committee (Full member)
- 27 - Christine Lavoie – Parks & Recreation Committee (Full member)
- 28 - Robert Best – Planning Board (Full member)
- 29 - Nelson Disco – Planning Board (Full or alternate member)
- 30 - Alastair Millns – Planning Board (Full member)
- 31 - Bill Cummings – Town Center Committee (Full member)
- 32 - Patrick Dwyer – Zoning Board of Adjustment (Full member)

33
34 Chairman Harrington noted all individuals are up for re-appointment, and all have been interviewed as
35 required.

36
37 **MOTION made by Councilor Boyd and seconded by Councilor Dwyer to re-appoint Eber**
38 **Currier as a full member of the Agricultural Commission, Gage Perry as a full member and Tim**
39 **Tenhave as an alternate member of the Conservation Commission, David Shaw as a full member**
40 **of the Economic Development Citizen Advisory Committee, Laura Jaynes and Christine Lavoie**
41 **as full members of the Parks and Recreation Committee, Robert Best and Alastair Millns as full**
42 **members and Nelson Disco as an alternate member of the Planning Board, Bill Cummings as a**
43 **full member of the Town Center Committee, and Patrick Dwyer as a full member of the Zoning**
44 **Board of Adjustment pursuant to Charter Article 4-8. MOTION CARRIED 6-0-0**
45 *Councilor Flood was not present for the vote.*

46
47 *Oath of Office administered by Chairman Harrington to Alastair Millns and Nelson Disco.*

1 *The Council returned to the regular order of business.*

2
3 **Consent Agenda** - None

4
5 **Old Business**

6
7 **1. Polling Locations**

8 Submitted by Town Council Chairman Nancy Harrington and Vice Chair Finlay Rothhaus
9 The Town Council to formally select the polling locations for all future elections and to determine
10 the voting districts within the boundaries, in accordance with RSA 658:10 and Charter Article 3-4.

11
12 Chairman Harrington informed the viewing audience, at its Monday night meeting, the School Board
13 passed a motion allowing the use of the James Mastricola Upper Elementary School (JMUES) and the
14 Middle School as polling locations.

15
16 Lynn Christensen, Town Moderator, stated she took one of the more recent checklists and broke out
17 the number of voters per street in the Town. From there she began mapping streets to locations. She
18 started with 3 polling locations, which is what was discussed by the Council. There are roughly
19 19,000+ voters on the checklist. Breaking it out logistically and relative to the size of the various sites,
20 doing the east, which would be the JMUES she has about 9,500 on the checklist, west, which is the
21 Middle School has about 6,000, and doing south, which would be the 101 corridor, there are about
22 4,000. Those numbers are big. The numbers correlate to the number of voters on the checklist not the
23 historical data relative to voter turnout. The typical turnout is 80-90% during a Presidential Election
24 and 20% for a State primary.

25
26 Moderator Christensen commented she looked at those numbers, and felt 9,000 - 10,000 people going
27 through the JMUES will be a lot, 6,000 at the Middle School will be a lot, and putting 4,000 down
28 south, unless the South Merrimack Christian Academy (Academy) could be used for every election,
29 would be a lot. She stated the Saint John Neumann Catholic Church cannot handle 4,000. She
30 considered the addition of a 4th site, and calculated the numbers based on that. As the fourth site, she
31 considered Saint James United Methodist Church (Saint James). Were the Council to determine four
32 sites would be utilized, the numbers would break down as follows: east at JMUES roughly 8,000, west
33 at the Middle School 5,000, down south probably 3,500 - 4,000, and up north about 2,000.

34
35 Moderator Christensen commented if there are 2,000 that would be directed to Saint James and you
36 take the heaviest concentration on a Presidential Primary the number of voters that could be expected
37 over a 12-hour period is roughly 1,500. She stated that to be manageable, and noted discussions have
38 occurred with Mark Doyle, Chief, Merrimack Police Department.

39
40 Moderator Christensen commented the other extreme would be seen in elections that generate a 20-
41 30% turnout. Out of those 2,000 on the checklist directed to the north polling location would be
42 approximately 500 over a 12-hour period.

43
44 Moderator Christensen stated her recommendation to be to utilize four polling locations, and that Saint
45 James is added as the 4th location. It was noted the Academy has offered the use of their facility during
46 big elections. Moderator Christensen commented 4,000 - 6,000 people can easily be handled at that
47 location. She reiterated Saint John Neumann cannot handle 4,000 people. That is what caused the
48 problem in the first place; when she first suggested additional polling sites the Town went with Saint

1 John Neumann and had about 2,000 - 2,500 people on the checklist. As it started to grow she
2 suggested the Town go to Saint James. Another 2,000 was added up there. As the voting population
3 grew and the Town ended up with about 4,000 at Saint James, and the room wouldn't handle it, traffic
4 wouldn't handle it, etc., that was removed, and about 4,000 were left down at Saint John Neumann.
5 They went to one because they would have had to redistrict and leave roughly 2,000 down at Saint
6 John Neumann, and that would have left the Town with 16,000 at the JMUES. That was the logic
7 because there were no other alternatives for voting locations.

8
9 Now that there has been some discussion with the School Board, there are areas, but 4,000 cannot be
10 accommodated at Saint John Neumann, which is why she suggested at the last meeting that if that is
11 considered that the Council consider Saint John Neumann for the smaller elections.

12
13 Moderator Christensen stated if four sites were utilized there would be 8,000 at the JMUES, 5,000 at
14 the Middle School, 4,000 at South and 2,000 North. With three polling locations there would be
15 roughly 9,500 at the JMUES, 6,000 at the Middle School, and 4,000 south.

16
17 Councilor Boyd remarked the Council looked at the hard data the Moderator provided, and the highest
18 capacity the Town has had was 15,000 voters in one election. He stated the numbers cited with each
19 location is dividing the numbers in the checklist to the various locations. Chairman Harrington
20 commented the largest elections are the only ones where a large voter turnout is expected to have the
21 potential to result in delays.

22
23 Vice Chairman Rothhaus stated his belief the biggest failing during the past Primary Election was in
24 the traffic pattern. There was no way to control it because the queue was jammed up and everything
25 became a nightmare. Four years prior there were 12,000 people at that one location, and it worked. It
26 was busy, traffic was heavy, but it worked. It is his belief four polling places are not needed, and that
27 the establishment of three polling locations will work. He added he would prefer the High School be
28 used for the larger elections noting a sign could easily be placed directing voters to that location.

29
30 Moderator Christensen stated four years ago when there was the single location, with a different traffic
31 pattern, traffic was bad. It was not as bad as this past election, but the lines inside were much worse.
32 She stated she kept the poles open to allow those people to come in and vote.

33
34 Chairman Harrington stated the Council made a global decision that whatever was decided, it would be
35 the same for every election. She once again questioned the will of the Council.

36
37 ***The consensus of the Council was for polling locations to be the same for all elections.***

38
39 Moderator Christensen stated if the Council decides to use just Saint John Neumann, the JMUES
40 cannot handle 10,000 voters during a Presidential Election. She stated the need to utilize the High
41 School for the larger elections.

42
43 Chairman Harrington stated whether the decision is for 3 or 4 locations, the major difference is
44 whether or not to utilize Saint James, which would change the configuration of the numbers, and the
45 site most impacted would be the JMUES. Vice Chairman Rothhaus stated his opinion parking is not
46 adequate at the JMUES.

1 Councilor Dwyer stated he is opposed to using Saint James. The whole discussion was around the
2 geography; getting people spread out. To have three locations in the north to him does not make sense.
3 That south location is vital. He stated his understanding the intent was not to eliminate the south but to
4 add the fourth, but the Council, as a body, has deliberated over several weeks and shot down the idea
5 of 4 locations over and over again. He stated his preference to see the locations identified as the
6 JMUES, the Middle School, and Saint John Neumann. He remarked despite the objection to Saint
7 John Neumann, it goes back to the consistency of not switching. Saint John Neumann has stepped up
8 to the plate and will take every election every year, and that is outstanding.

9
10 Moderator Christensen stated if that is the direction, Saint John Neumann can handle a maximum of
11 about 2,000 - 2,500 people, which means the JMUES is going to be over 10,000 and the Middle School
12 will be over 6,000. Councilor Dwyer responded he respectfully disagrees. He stated his belief we
13 should push Saint John Neumann's from the 3,500 to 4,000, put the word out about absentee ballots,
14 increase election staff, etc. He suggested the Town should be promoting the acceptable use of absentee
15 ballots, during times of Presidential Elections, for those who fall within the guidelines dictated by law.

16
17 Councilor Boyd spoke of the February Primary Election and the significant backups on the D.W.
18 Highway and Baboosic Lake Road, and questioned if the Town were to move to utilizing three polling
19 locations with Saint John Neumann handling 4,000, the Middle School 6,000, and the JMUES 9,500
20 (300 cars/hour), how much of a significant queue would be occurring with that type of volume of
21 traffic in one direction going to the Middle School and then obviously a different direction going to the
22 JMUES. He questioned if there would be the potential for a repeat of the significant backups seen in
23 February or is it a matter of going through the process to identify any shortfalls.

24
25 Chief Doyle stated it is doable, and yes there will be challenges. One location versus three, there is no
26 question the three will work much better, but there are going to be challenges associated with it.
27 Chief Doyle commented when he, Moderator Christensen and Diane Trippett, Town Clerk/Tax
28 Collector, spoke of the possibility of a fourth location he started thinking a 4th location would alleviate
29 a lot more pressure off of the middle of Town. Having the Middle School will take a lot away not only
30 from the voting venue but from the central piece of Town where there will be backups. Sometimes we
31 just have to keep the fingers crossed, run it, and see what works. He was in agreement with the 4th
32 location noting it was a challenge at Saint James previously because of the traffic problems, but if
33 looking at not pushing 4,000 through there and only 2,000 people understanding there will be that
34 general understanding of percentage turnout of voters, it is manageable because we know what the
35 problem is up there especially after hours. That is when the traffic issue is a problem at that location;
36 after hours.

37
38 Councilor Boyd commented what he was trying to identify is how to split Merrimack in such a way so
39 that voters have access to a voting place that allows them access in, they walk in and vote and access
40 out. Chief Doyle responded right out of the gate taking 6,000 voters away from the one location and
41 placing them in two other locations, is a gigantic help.

42
43 Moderator Christensen stated during the last two elections where Saint John Neumann was used as a
44 polling location there was a large parking issue. They only have about 80 spaces. PC Connection was
45 calling complaining that people were parking in their lot, DJ Square was calling saying people couldn't
46 get into their stores because there was no parking there, there were huge backups of traffic coming east
47 and west on 101A as well as backups down Continental Boulevard. That is why she suggested if the

1 Council wished to use just Saint John Neumann that there is the need to reduce the number of people
2 there.

3
4 Councilor Flood stated that to be interesting news to her; she had not been aware of people parking in
5 other locations. She suggested that needs to enter into the planning. She spoke of previous comments
6 regarding the mailing of postcards informing residents of their polling location and including
7 information such as the hours expected to have the greatest amount of traffic, etc. She asked if the
8 Moderator was able to identify the area of Town from which voters who turned out at the polls came,
9 e.g., is there a particular geographic area of Town that generates a higher voter turnout, etc.

10
11 Moderator Christensen responded when there were three sites, they were tallying different machines,
12 and knew how many voters were in the area. Percentages were pretty consistent throughout Town.

13
14 Councilor Flood stated her desire for the Council to consider a fourth polling location. Councilor
15 Koenig commented the Moderator indicated there are only 80 parking spaces available at Saint John
16 Neumann. However, the information the Council was provided indicates 163 spaces. He remarked the
17 Moderator equated Saint John Neumann to Saint James in terms of size and number of people.
18 Moderator Christensen clarified she was speaking of the inside; inside Saint James is smaller than
19 Saint John Neumann. She stated there to be no difficulty with parking at Saint James whereas the
20 parking spaces are a lot more reduced at Saint John Neumann. It was stated there are 92 parking
21 spaces at Saint James. Councilor Koenig remarked 92 and 163 is a huge difference. There is at least a
22 50% greater capacity at Saint John Neumann than there is at Saint James.

23
24 Councilor Boyd remarked the occupancy at the gym at Saint John Neumann is 500 with 163 parking
25 spaces. At Saint James, occupancy of the All-Purpose Cafeteria is 270 with 92 parking spaces.
26 Moderator Christensen remarked there is no question the Saint John Neumann's building is bigger than
27 Saint James. Councilor Koenig commented he understands there have been parking issues with PC
28 Connection, etc. and that has to be dealt with, but he believes it to be a lot more viable.

29
30 Assistant Town Manager/Finance Director Micali questioned if going to three polling locations there
31 would have to be a member of the Council present at each polling location. Moderator Christensen
32 clarified "or a designee". Chairman Harrington questioned how that is defined, and was informed the
33 individual(s) would be appointed as a designee.

34
35 Chairman Harrington questioned the will of the Council.

36
37 ***The consensus of the Council was to establish three polling locations and that the locations chosen***
38 ***would be utilized for every election.***

39
40 Chairman Harrington questioned the will of the Council with regard to identifying the three polling
41 locations as the James Mastricola Upper Elementary School, the Middle School, and Saint John
42 Neumann.

43
44 Vice Chairman Rothhaus stated his opinion the High School should continue to be utilized for
45 Presidential elections. He spoke of how easily voters could be directed from the Middle School to the
46 High School during those elections. He remarked if the High School were utilized, the traffic pattern a
47 few have discussed is two lanes entering on O'Gara; heading north on Route 3 comes out McElwain,
48 south on Route 3 goes down Greek Hill. He stated his belief, with good traffic enforcement and

1 parking lot direction the three polling places could be used with Saint John Neumann not getting as
2 large a hit because the High School is included in the equation.

3
4 Councilor Dwyer stated he would be in favor of calling it JMUES/High School. He could agree that
5 every four years the High School be utilized, and that signage be placed at JMUES directing voters to
6 the High School.

7 Councilor Boyd remarked the School Board has approved use of the JMUES and the Middle School
8 for this upcoming election. That should be the focus. Moderator Christensen stated the School Board
9 had stated the Town could use the High School for the November elections and the Presidential
10 Primary going forward.

11
12 Chairman Harrington stated she has no issue utilizing the High School for those elections with large
13 voter turnout (every 4 years).

14
15 Councilor Vaillancourt commented on the need to be consistent with the checklist. The JMUES would
16 have to be able to accommodate the same checklist. She noted she has resided in Merrimack for 24
17 years and has voted at every election. She understands the challenges, but while she understands the
18 desire to utilize the High School for Presidential Elections, she does not believe the JMUES would be
19 totally unacceptable for those elections. Although both facilities are in the same area, change causes
20 confusion. She stated one of the primary focuses the Council has had is consistency. She suggested
21 the Council identify the JMUES, Middle School, and Saint John Neumann, and see how it works.

22
23 **MOTION made by Councilor Boyd and seconded by Councilor Dwyer to endorse the**
24 **Merrimack Middle School, the James Mastricola Upper Elementary School, and Saint John**
25 **Neumann Catholic Church as the polling places for the Town of Merrimack for the upcoming**
26 **September Primary and the forthcoming November Presidential Election. MOTION CARRIED**
27 **6-1-0**

28 *Councilor Rothhaus voted in opposition*

29
30 Councilor Boyd thanked Moderator Christensen, Town Clerk Trippett, Chief Doyle, and all of the
31 participants that performed the work necessary to allow the Council to make an informed decision.

32
33 The request was made that the Council be notified of the final count for each of the voting districts
34 once established. Moderator Christensen stated that information would be provided. Chairman
35 Harrington stated the need for consideration to be given to what will be printed on the postcards.

36 37 **New Business**

38 39 **2. Acceptance of Donation for Parks and Recreation**

40 Submitted by Parks and Recreation Director Matthew Casparius

41 Town Council to consider the acceptance and expenditure of a donation in the amount of \$800
42 from Merrimack Friends and Families to the Parks and Recreation Department's Camp Scholarship
43 Fund to send 4 Merrimack children to Naticook Day Camp this summer, pursuant to RSA 31:95-b
44 and Charter Article 8-15.

45
46 Assistant Town Manager/Finance Director Micali stated Merrimack Friends and Families held a yard
47 sale in the beginning of June. They typically donate some of the proceeds back to the Town. This year
48 they are donating \$800 for Merrimack children to go to the Naticook Day Camp.

1
2 **MOTION made by Councilor Boyd and seconded by Councilor Rothhaus to accept and expend a**
3 **donation in the amount of Eight Hundred Dollars (\$800.00) from Merrimack Friends and**
4 **Families to the Parks and Recreation Department's Camp Scholarship Fund to send four (4)**
5 **Merrimack children to Naticook Day Camp this summer, pursuant to RSA 31:95-B and Charter**
6 **Article 8-15. MOTION CARRIED 7-0-0**
7

8 **3. Kinder Morgan Letter Update**

9 Submitted by Town Council Chairman Nancy Harrington

10 Town Council to review proposed letter to Kinder Morgan regarding financial reimbursement

11
12 The Council was provided with a draft letter addressed to Kinder Morgan requesting reimbursement
13 for monies expended by the Town related to the proposed NED Pipeline. The letter indicates a total
14 expenditure of \$117,834.33 of which \$38,238 was expended by the Conservation Commission for their
15 environmental studies. Chairman Harrington commented on the valuable information that was derived
16 from the studies.
17

18 **MOTION made by Councilor Boyd and seconded by Councilor Vaillancourt to approve the**
19 **letter and the invoice**
20

21 **ON THE QUESTION**

22
23 Vice Chairman Rothhaus stated he would support the motion; however, believes the decision to spend
24 the amount of money spent on legal fees our decision. If he had it to do over again, the amount
25 expended would have been less for a multitude of reasons not the least of which was explained by
26 Councilor Dwyer numerous times; that the Federal Energy Regulatory Commission (FERC) has the
27 final decision. The Town putting its information forward and voicing concerns was legitimate, but the
28 amount of money expended was great. He is pleased the Conservation Commission was able to glean
29 some very valuable information.
30

31 Councilor Vaillancourt stated her appreciation for the Council entertaining her request. She
32 commented she does not believe any monies will be recouped; however, the letter is a statement that
33 memorializes the money expended. She agreed the Council made the decision to expend those dollars.
34 However, in her opinion, it would have been irresponsible not to consult with legal counsel with a
35 project of that magnitude. While the Conservation Commission gained valuable information as a
36 result of the studies, it is entirely possible the Commission would have otherwise conducted the studies
37 on one property at a time.
38

39 Councilor Dwyer stated he would always support his colleagues in bringing anything forward, but he
40 cannot support the letter because it was the choice of the Council to engage legal counsel. Other
41 communities in the State spent nothing; that was their choice. In the end, he does not like it when
42 politicians whether from Washington or Concord do useless things. He stated he cannot support the
43 motion as that is what he feels the letter is.
44

45 Councilor Koenig stated he would not support the motion. Although he understands the thought and
46 desire, and likes the idea of memorializing this somehow, he thinks it is a totally ludicrous letter, and
47 doesn't have a snowball's chance in July of doing anything other than maybe memorializing that
48 number. He does not see any stretch of value in sending the letter to Kinder Morgan at this point.

Councilor Flood stated she sees some value. She likes the idea of having a company understand what a little Town like Merrimack goes through when confronted with the immensity of a project like this. She does not believe the Town will recoup any money, but that isn't really the purpose. The intent is to provide notification of the angst the Town had to go through because of them.

Vice Chairman Rothhaus requested a period in the last paragraph after "project" and to remove the "not us". Chairman Harrington and Councilor Flood stated agreement.

Chairman Harrington remarked she concurs with the sentiments expressed, but was thinking about the future; were something to reignite, the Town would be able to demonstrate the investment it had to make to protect the rights of the community.

MOTION CARRIED 5-2-0

Councilors Koenig and Dwyer voted in opposition.

Minutes

Approve the minutes from the Town Council meetings of June 9, 2016.

The following amendments were offered:

Page 14, Line 46; delete in entirety

Page 15, Lines 6-11; delete in entirety

Page 15, Line 13; replace "An animated, lengthy" with "A"

Page 16, Lines 21-28; delete entirely

Page 20, Line 6; add "old hotel" after "that"

MOTION made by Councilor Boyd and seconded by Councilor Dwyer to accept the meeting minutes of the June 9, 2016 Town Council meeting of as amended. MOTION CARRIED 7-0-0

Comments from the Press - None

Comments from the Public - None

Comments from the Council

Councilor Vaillancourt stated the Conservation Commission met on June 20th. In attendance were representatives of the Lake Naticook Conservation Association (LNCA). They provided an overview of their activities over the past year. There was lengthy discussion regarding the efforts to eradicate Milfoil. She stated her belief the LNCA would be making the same presentation to the Council. She noted there was discussion regarding the boat ramp. They wished for the Commission to support what they envision as a project for the boat ramp, which was in conflict with what the Council has approved.

She offered to facilitate communication. She suggested it to be appropriate that they discuss the matter with the Town Manager and Kyle Fox, Director, Public Works Department. Chairman Harrington will discuss the matter with the Town Manager upon her return from vacation.

1 Councilor Dwyer questioned if their recommendation was more a matter of some tweaking of the plan
2 or changes that would be substantial. Councilor Vaillancourt stated there to be some fairly significant
3 changes. She commented when the Council had a public discussion regarding the letter Mr. Quimby
4 wrote to the NHDES there was discussion with Director Fox regarding communication with the
5 abutters of Naticook Lake. She stated she is aware Director Fox has been in communication with
6 them, she is unsure perceptions and communication is being as effective as the Council may believe it
7 to be.

8 With regard to gate installation on Grater Woods, the Commission experienced difficulty with one of
9 the gates and the inability to place posts because of ledge in the area. There was a great deal of
10 discussion around alternative means of gate placement. It is likely the Commission will have to
11 modify the gate and anchor it to trees. Councilor Dwyer questioned why the granite would not be
12 drilled. Councilor Vaillancourt spoke of the cost that would be involved.

13
14 The parking lot work at the Horse Hill Nature Preserve is complete.

15
16 The Commission will meet once in the month of July. At its July 18th meeting, the Commission will
17 elect officers, appoint/re-appoint members of sub-committees, review bylaws, etc. There remain open
18 positions on the Commission; 2 full-time and 1 alternate position. Anyone interested in participating
19 should contact Becky Thompson in the Town Manager's Office.

20
21 Vice Chairman Rothhaus spoke of the Public Hearing scheduled for 6:00 p.m. on June 30th in the
22 Matthew Thornton Room the subject of which is the Transportation Alternatives Program (TAP)
23 Grant, which will be utilized to construct the Souhegan River Trail. Chairman Harrington will draft a
24 letter of support to be presented.

25
26 Councilor Koenig noted the Planning Board met on June 21st. The sub-division of a portion of the old
27 Hilton Hotel property to construct a 123-room hotel and associated parking was approved by a vote of
28 4-3. The parking lot was sub-divided, and the four-story hotel will be constructed upon a portion of
29 that area.

30
31 Vice Chairman Rothhaus commented that leaves an existing hotel in place without the required
32 associated parking. Councilor Koenig noted it is not a hotel. It will say on the approved plan for the
33 new hotel that the old hotel cannot be used as a hotel, and would have to come back before the
34 Planning Board for any use or utilization. It is a blighted property, and the value of the property will
35 increase if this hotel is built. Attorney Michael has assured the Planning Board they are working to
36 deal with it.

37
38 Additionally, there was an approval for a third apartment complex in the housing unit next to Rivet
39 Funeral Home. Apparently the Town Center Plan urges higher-density housing in the vicinity of the
40 Town Center in order to try and encourage people in the Town Center.

41
42 An individual came forward requesting the ability to utilize a portion of the property on Wright
43 Avenue where truck washing is done, for a storage and sale of landscape material. The advantage to
44 that is that we now have a site plan for that lot where it had previously been unplanned. The initial
45 request was for a Waiver of the Site Plan requirement, which was rejected. The Applicant returned
46 with a fully laid out plan.

1 The Planning Board re-elected Bob Best as Chairman and Alastair Millns as Vice Chairman. There
2 was a slight change in the Bylaws to identify the previous position of Secretary as Vice Chairman.
3

4 **Adjourn**

5
6 **MOTION made by Councilor Boyd and seconded by Councilor Dwyer to adjourn the meeting.**

7 **MOTION CARRIED 7-0-0**

8
9 *The June 23, 2016 meeting of the Town Council was adjourned at 10:27 p.m.*
10

11
12 Submitted by Dawn MacMillan
13

DRAFT